

HOUSE BILL 73

R7

11r0749

By: **Delegate Walker**

Introduced and read first time: January 21, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – School Buses – Prohibition on Permitting Sitting on Floor or**
3 **Standing**

4 FOR the purpose of prohibiting a person who is responsible for pupils on a school bus
5 from permitting any pupil to stand while the bus is in motion; prohibiting a
6 person who is responsible for pupils on a school bus from permitting any pupil
7 to sit on the floor of the school bus; establishing that this Act does not apply
8 during a certain period of time at the beginning of a school year for public
9 schools or, under certain circumstances, in an emergency; establishing a certain
10 fine; providing that a violation of this Act is not considered a moving violation
11 for certain purposes; making certain conforming changes; and generally relating
12 to a prohibition on permitting pupils to sit on the floor or stand on a school bus.

13 BY repealing and reenacting, with amendments,
14 Article – Transportation
15 Section 21–1118
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2010 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Transportation**

21 21–1118.

22 (a) The driver of a school bus:

23 (1) Is responsible for its operation; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) May not drive it into any roadway without first stopping and
2 determining that there is no danger from any other vehicle.

3 (b) The person responsible for any pupils on a school bus is:

4 (1) The teacher on the bus; or

5 (2) If a teacher is not present, the driver.

6 [(c) A person responsible for pupils on a school bus may not permit the
7 number of standing pupils to exceed one pupil for each part of the aisle that is
8 bounded on both sides by forward facing seats.

9 (d) A person responsible for pupils on a school bus may not permit any pupil
10 to stand if the school bus is equipped only with lengthwise or a combination of
11 lengthwise and forward facing seats.]

12 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
13 **SUBSECTION, A PERSON RESPONSIBLE FOR PUPILS ON A SCHOOL BUS MAY NOT**
14 **PERMIT ANY PUPIL TO STAND WHILE THE BUS IS IN MOTION.**

15 **(2) THIS SUBSECTION DOES NOT APPLY DURING:**

16 **(I) THE FIRST 10 SCHOOL DAYS OF A SCHOOL YEAR FOR**
17 **PUBLIC SCHOOLS AS DEFINED IN § 1-201 OF THE EDUCATION ARTICLE; OR**

18 **(II) AN EMERGENCY, IF PERMITTING A PUPIL TO STAND**
19 **WHILE A SCHOOL BUS IS IN MOTION IS NECESSARY TO TRANSPORT PUPILS TO A**
20 **SAFE LOCATION.**

21 **(3) A PERSON WHO IS CONVICTED OF A VIOLATION OF THIS**
22 **SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A**
23 **FINE NOT EXCEEDING \$100.**

24 **(4) A VIOLATION OF THIS SUBSECTION IS NOT CONSIDERED A**
25 **MOVING VIOLATION FOR PURPOSES OF § 16-402 OF THIS ARTICLE.**

26 [(e)] **(D)** A person responsible for pupils on a school bus may not permit any
27 pupil to stand in front of the stanchion and guardrail.

28 [(f)] **(E)** A person responsible for pupils on a school bus may not permit any
29 pupil to operate the front door opening mechanism, except in an emergency.

30 [(g)] **(F)** A person responsible for pupils on a school bus may not require **OR**
31 **PERMIT** any pupil to sit on the floor.

1 **[(h)] (G)** Except for the driver and any fuel station attendant, a person may
2 not occupy a school bus while it is being supplied with fuel.

3 **[(i)] (H)** Either the driver or an adult aide assigned to each school vehicle
4 that is used to transport handicapped children shall be certified as having successfully
5 completed a first aid–safety course approved by the Department of Education.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2011.